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# UNITED NATIONS DECADE OF INTERNATIONAL LAW

## Report of the Secretary-General

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# I. INTRODUCTION

1. By its resolution 44/23 of 17 November 1989, the General Assembly declared the period 1990-1999 the United Nations Decade of International Law. The main purposes of the Decade, according to paragraph 2 of the resolution, should be, inter alia:

(a) To promote acceptance of and respect for the principles of international law;

(b) To promote means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice;

(c) To encourage the progressive development of international law and its codification;

(d) To encourage the teaching, study, dissemination and wider appreciation of international law.

2. On 28 November 1990, the General Assembly adopted resolution 45/40, entitled "United Nations Decade of International Law", to which was annexed the programme for the activities to be commenced during the first term (1990-1992) of the United Nations Decade of International Law. Pursuant to that resolution, the Secretary-General submitted a report to the forty-sixth session of the General Assembly (A/46/372) containing an analysis of the replies received from States and international organizations on the implementation of the Programme, as well as a summary of the activities of the United Nations relevant to the progressive development of international law and its codification.

3. On 9 December 1991, the Assembly adopted resolution 46/53, entitled "United Nations Decade of International Law", in which it invited all States and international organizations and institutions referred to in the programme to provide, update or supplement information on activities they had undertaken in the implementation of the programme, as appropriate, to the Secretary-General, as well as to submit their views on possible activities for the next term of the Decade; requested the Secretary-General to submit, on the basis of such information, a progress report to it at its forty-seventh session on the implementation of the programme, together with views received on possible activities for the next term of the Decade; and also requested the Secretary-General to supplement his report, as appropriate, with new information on the activities of the United Nations relevant to the progressive development of international law and its codification and to submit it to the Assembly on an annual basis.

4. By a note dated 28 January 1992, the Secretary-General invited Governments to submit information on the implementation of the Programme or any views on possible activities for the next term of the Decade. A similar

request was transmitted by letters dated 28 January, 11 February and 11 March 1992 to intergovernmental organizations, United Nations bodies, international courts and tribunals, and non-governmental organizations working in the field of international law.

5. As at 14 August 1992, replies had been received from the following States: Australia, Austria, Bolivia, Cuba, Islamic Republic of Iran, Japan, Mexico, Norway (on behalf of the Nordic countries), Romania, Spain and United States of America. Substantive replies have also been received from the following United Nations bodies, international and regional organizations and institutions: Conference on Disarmament, Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, Committee on the Peaceful Uses of Outer Space, United Nations International Drug Control Programme, United Nations Commission on Crime Prevention and Criminal Justice, United Nations Conference on Trade and Development (UNCTAD), United Nations Environment Programme (UNEP), United Nations Commission on International Trade Law, United Nations Institute for Training and Research (UNITAR), International Labour Organisation (ILO), United Nations Educational, Scientific and Cultural Organization (UNESCO), International Civil Aviation Organization (ICAO), World Health Organization (WHO), International Maritime Organization (IMO), World Intellectual Property Organization (WIPO), International Monetary Fund (IMF), Commission of the European Communities, Asian-African Legal Consultative Committee (AALCC), Court of First Instance of the European Communities, Court of Arbitration of the International Chamber of Commerce, Hague Academy of International Law, International Committee of the Red Cross (ICRC), International Council of Environmental Law (ICEL), World Conservation Union (IUCN), Inter-Parliamentary Union and World Federalist Movement (WFM).

6. The replies from States and international organizations are analytically summarized in section II of the present report and grouped under the five main sections into which the programme is divided. Within each of the sections, the information received is further divided and presented in accordance with specific paragraphs of those sections concerning requests to States and international organizations.

7. The supplementary information on the new activities of the United Nations is presented in section III, which addresses specific areas of legal activities undertaken by various United Nations bodies in the field of progressive development of international law and its codification, according to the respective competence of such bodies. Following the format of the analysis presented in the last report of the Secretary-General on this item (A/46/372), the supplementary information deals with eight specific areas of activities of the United Nations bodies. The work of the International Law Commission and that of the Sixth Committee are dealt with separately.

8. The full texts of the replies, in the original language of submission, are available in the Codification Division of the Office of Legal Affairs.

## II. ANALYTICAL PRESENTATION OF THE REPLIES RECEIVED FROM STATES AND INTERNATIONAL ORGANIZATIONS

### A. Promotion of the acceptance of and respect for the principles of international law

#### 1. Promoting the acceptance of multilateral treaties*

9. The importance of promoting international law through the acceptance of multilateral treaties has been emphasized by several States. Thus, at the Meeting of the Senior Officials of Commonwealth Law Ministries held in Singapore in April 1992, Australia gained support for encouraging the Commonwealth countries to adhere to multilateral Conventions identified in an annex to the report of the Meeting. In this connection, Australia indicated, for example, that it had recently decided to become party to a number of multilateral treaties, namely, the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations; the Optional Protocol to the International Covenant on Civil and Political Rights; the Protocol Additional to the Geneva Conventions on 12 August 1949, and relating to the protection of victims of international armed conflicts (Protocol I) and the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of non-international armed conflicts (Protocol II). The Nordic countries also stressed the need to encourage States to review their national policies so as to enable them to accede to agreements to which they are not parties, and to withdraw reservations made to treaties to which they are parties. The United States of America deposited its instrument of ratification of the International Covenant on Civil and Political Rights on 8 June 1992. Spain also recently ratified the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, as well as the 1977 Protocols I and II Additional to the Geneva Conventions on humanitarian law applicable in armed conflicts. In both cases, the Government of Spain accepted the clauses on the settlement of disputes and mechanisms for ensuring the implementation of those instruments. Romania reported that it had become party to a number of multilateral treaties deposited with the

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* Under paragraph 2 of this section of the programme, States are invited to consider, if they have not yet done so, becoming parties to existing multilateral treaties, in particular those relevant to the progressive development of international law and its codification. International organizations under whose auspices such treaties are concluded are invited to indicate whether they publish periodic reports on the status of ratifications of and accessions to multilateral treaties and, if they do not, to indicate whether in their view such a process would be useful. Consideration should be given to the question of treaties that have not achieved wider participation or entered into force after a considerable lapse of time and the circumstances causing the situation.

Secretary-General of the United Nations. Austria similarly reported that it was a party to a large number of multilateral treaties of regional as well as of universal scope covering all fields of international law and that it carried out fully and faithfully the obligations enshrined in those treaties.

10. AALCC reported that it continued to urge its member States that had not already done so to consider ratifying or acceding to multilateral conventions so as to bring them into force as early as possible.

11. The Inter-Parliamentary Union reported that at its 86th session, held in 1992 at Santiago, the Conference adopted a resolution entitled "Development of measures to prevent and intervene against genocide through international cooperation within the framework of competent international bodies such as the United Nations". That resolution contained, inter alia, a call to all States that had not yet done so to accede to or ratify the Genocide Convention of 1948 and to enact necessary legislation for the implementation of the provisions of that Convention.

12. IUCN noted that its law programme, implemented through the Environmental Law Centre and the Commission on Environmental Law, continued to play an important part in the promotion of new conservation conventions and in the implementation of existing conventions at the national level.

13. ICEL reported that during the consultation of legal experts held at Munich, Germany, in December 1991 on the law concerning the protection of the environment in times of armed conflict, the expert group strongly urged universal acceptance of the relevant existing international legal instruments, in particular, Additional Protocol I to the Geneva Conventions of 12 August 1949.

14. ICRC called on all States to become parties to the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects. ICRC further stated that, within the context of the Decade of International Law, it would continue to urge States to become parties to the 1977 Protocols Additional to the Geneva Conventions of 1949.

15. UNEP noted that the improvement of the implementation of existing international environmental agreements and the promotion of adherence to such agreements by more States was one of its six specific objectives for the environmental programme for 1990-1995. In May 1992 UNEP published an updated version of the Register of International Treaties and Other Agreements in the Field of the Environment, containing basic data of 152 international environmental treaties and agreements. In 1991 it also published volume two of Selected Multilateral Treaties in the Field of the Environment, which contains texts of 54 multilateral treaties concluded between 1976 and 1989. These publications are designed to enhance the collection and dissemination of information on international environmental legal instruments. UNEP also considers that efforts should be made to encourage adherence to and effective implementation of international environmental agreements.

16. The United Nations International Drug Control Programme organized a special campaign to urge States that had not already done so to become parties to the international drug control treaties. Accession to or ratification of those treaties is a key objective of the Programme's regional legal workshop programme and its technical assistance to States to improve national and regional drug control effectiveness. It issues annual questionnaires to States on the implementation of the drug control treaties. The results are summarized and reviewed by the Commission on Narcotic Drugs.

17. The European Economic Community (EEC) stated that it had a fundamental interest in the strengthening and development of international law; it had participated in major international conferences and had acceded to certain multilateral conventions concluded under the auspices of the United Nations, which were open to the Community. The Commission of the European Community indicated that it had proposed to the Council that the Community should accede in its own right to the European Convention for the Protection of Human Rights and Fundamental Freedoms to which its member States were already parties. EEC regularly publishes international treaties to which it is a party in nine languages in the Official Journal of the European Communities.

### 2. Assistance and technical advice to States to facilitate their participation in the process of multilateral treaty-making*

18. Austria reported that, in order to promote assistance and technical advice to States, in particular to developing countries, to facilitate their participation in the process of multilateral treaty-making, it was currently preparing its accession to the Agreement for the Establishment of the International Development Law Institute and would provide internships to students of the Institute from developing countries. Also, with the view to assisting particularly developing countries in the field of international law, the Austrian section of the World University Service was preparing postgraduate courses on women's rights under international conventions, which would provide information on existing international standards and legal instruments in the area of women's rights as well as on implementation of such instruments. Those courses would focus on students from developing countries, particularly in Africa, and would be sponsored by the Austrian authorities. As a possible activity for the next term of the Decade, Austria noted that it would seem useful to promote and coordinate already existing bilateral and regional efforts in the field. In a first step, the relevant needs of developing countries should be clearly identified in order to find adequate responses of the international community to these needs.

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* Under paragraph 3 of this section of the programme, States and international organizations are encouraged to provide assistance and technical advice to States, in particular to developing countries, to facilitate and participate in the process of multilateral treaty-making, including their adherence to and implementation of such multilateral treaties.

19. IMO indicated that a range of legal assistance and technical advice to States had been provided by the Organization. For example, the IMO International Maritime Law Institute, which was established by IMO in collaboration with the Government of Malta as an answer to the need to train lawyers advising national maritime administrations of developing countries on the implementation of IMO treaties and recommendations into national legislation, had organized a third comprehensive course in international maritime law lasting for one full academic year. The Institute's course structure included a section dealing specifically with the implementation of international maritime law and the preparation of legislation and legal texts in the field of merchant shipping.

20. IMF reported that it continued to provide technical assistance to member countries, often in connection with their various structural adjustment programmes, as well as to international organizations, in the drafting of laws and treaties, essentially but not exclusively in the fields of foreign exchange regulation, banking and finance, and taxation. The Fund also collaborates with other international organizations and entities on legal projects of common interest. Such projects include those relating to the work of the United Nations Commission on International Trade Law in the field of international payments, particularly international negotiable instruments, bank guarantees and international electronic fund transfers.

21. AALCC reported that it was currently working on draft model legislation on refugee law to assist member States in formulating their national legislation on the subject in implementing the 1951 Convention and 1967 Protocol and other relevant regional instruments on refugees.

22. IUCN mentioned that, through the collections of international environmental legal instruments and literature at the Environmental Law Centre, relevant information had been made accessible to users worldwide. Its environmental law services also allowed the Centre to respond to requests from developing country Governments for technical assistance in the field of environmental and conservation legislation.

23. UNEP has been providing technical assistance to developing countries, through, for example, national and regional training workshops and consultants, to develop legal infrastructure in such countries to enable them to comply with international legal instruments in the field of the environment. The Environmental Law and Institutions Programme Activity Centre was established in January 1992; the Centre is to assist countries with the development, adoption and implementation of international legal instruments (including conventions and protocols), as well as principles and guidelines, with regard to the control or prevention of specific environmental problems. UNEP considers that effective implementation of existing international legal instruments, including assessment of the effectiveness of such instruments, should be ensured, and that in order to build up the national capability of developing countries to comply with provisions of international legal instruments, technical assistance to such countries should be further strengthened.

24. The United Nations Drug Control Programme provides a wide range of legal services to requesting States to assist them in becoming Parties to and in effectively implementing the international drug control conventions. Those services include advice on adjusting national laws, policies and infrastructure to implement the requirements and objectives of the conventions; collecting national laws and making them available to all States; and training judges, prosecutors and investigators to apply those laws effectively. In addition to rendering legal assistance to various countries of the world in other regions, the Programme has begun preparation of a regional legal assistance project to support countries of the former USSR in developing national drug legislation in line with the 1988 Convention and to harmonize the legislation regionally with a view to facilitating and supporting joint drug law enforcement operations.

25. Spain reported that its Government assisted other States in their efforts to facilitate their participation in multilateral treaties and to promote the implementation of such instruments. Spanish experts are currently assisting an African State in the demarcation of its territorial waters and a Latin American State in the preparation of international trade regulations that are consistent with the work of the United Nations Commission on International Trade Law.

### 3. Ways and means of implementation of multilateral treaties*

26. ICAO intends to organize seminars and conferences on air law to stimulate the ratification and implementation of relevant international conventions and to update the knowledge of government officials in the field of air law in 1992 and during the triennium 1993-1995.

27. The United Nations Drug Control Programme is considering organizing a series of problem-solving expert working groups to focus on the identification and resolution of practical implementation problems being experienced by States with a number of key international legal cooperation provisions of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988, and suggests the promotion of similar working groups in relation to other important conventions, particularly those which may not so far have gained widespread adherence.

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* Under paragraph 4 of this section of the programme, States are encouraged to report to the Secretary-General on ways and means as provided for by the multilateral treaties to which they are parties regarding the implementation of such treaties. The Secretary-General is requested to prepare a report on the basis of that information and to submit it to the General Assembly.

B. Promotion of means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice

1. Suggestions by international organizations and bodies as well as national societies for the promotion of means and methods for the peaceful settlement of disputes between States*

28. Various suggestions have been made by international organizations and bodies on this subject: for example, to undertake further studies in this field; 1/ to provide various forms of assistance to States (including the development and adoption of legal guidelines and principles, conducting training courses in peaceful resolutions of conflicts); to establish an international criminal court; and to improve the functioning of the institutions already active in this field. Some international bodies emphasized the need for the prevention of and peaceful settlement of disputes in the context of environmental protection.

29. WIPO reported that it had prepared a draft treaty for the settlement of intellectual property disputes between States, to be considered by a committee of experts in July 1992.

30. EEC has reported that, although the Community itself cannot have recourse to the International Court of Justice, it supports all efforts aimed at the peaceful settlement of disputes. To that end, it has often agreed to arbitration clauses in bilateral agreements. It participated in the meeting of the group of legal experts of the Conference on Security and Cooperation in Europe, held in Malta in January 1991, and is actively involved in the drafting of a clause on peaceful settlement of disputes in the context of the Conference.

31. The secretariat of AALCC proposes to undertake a further study on the enhancement of the role of the International Court of Justice in matters relating to the protection and preservation of the environment. It is also in the process of initiating cooperation agreements between AALCC and the Permanent Court of Arbitration.

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* Under paragraph 1 of this section of the programme, the United Nations system of organizations and regional organizations, including AALCC, as well as the International Law Association, the Institut de droit international, the Hispano-Luso-American Institute of International Law and other international institutions working in the field of international law, as well as national societies of international law, are invited to study the means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice, and to present suggestions for its promotion to the Sixth Committee.

32. WFM considers that recent events highlighted the need for an international criminal court for the purpose of safeguarding international peace, security and prosperity and for the improvement of international law enforcement. For that purpose, it has prepared a draft statute and has discussed the following issues in connection with the proposed international criminal court: establishment and funding; composition and election of judges; trial procedures, appeal and parole; jurisdiction over individuals; subject-matter jurisdiction; prosecution; and initiating a case and indictment.

33. IUCN reported that its environmental law programme had used every occasion to promote the inclusion of provisions for the peaceful settlement of disputes in international legal instruments. Article 40 of its current draft covenant on environmental conservation and the sustainable use of natural resources, for example, requires States to settle disputes concerning the implementation of the covenant by peaceful means. Further work on the draft covenant will be done at the meeting of the international environmental law experts scheduled for 7-9 September 1992 at Bonn, Germany.

34. ICEL stated that during the consultation of legal experts on the law concerning the protection of the environment in times of armed conflict, held at Munich, Germany, in December 1991, the expert group noted that disputes relating to environmental protection should be resolved peacefully. Recourse to dispute settlement mechanisms would contribute to improved protection of the environment in times of armed conflict.

35. UNITAR noted that it had annually sponsored, jointly with the Legal Division of the General Agreement on Tariffs and Trade (GATT), workshops on procedures for the settlement of commercial disputes under GATT. In its programme on promotion of cooperation in environment-development negotiations, one training module dealt with negotiations and dispute resolution.

36. The International Court of Arbitration of the International Chamber of Commerce (ICC) has emphasized that arbitration is a pacific institution that encourages cooperation between peoples, their States, their companies and enterprises, and suggested to that end that financial assistance might be envisaged to enable public or private enterprises from the developing world to meet the basic costs of arbitration proceedings.

37. The United Nations Commission on International Trade Law reported that dispute settlement was among the issues considered at the Congress on International Trade Law organized in the context of the twenty-fifth session of the Commission held from 18 to 22 May 1992 at United Nations Headquarters under the theme "Uniform commercial law in the twenty-first century".

## 2. Suggestions by States to the Sixth Committee in respect of the promotion of means and methods for the peaceful settlement of disputes between States*

38. Australia and the Nordic countries support the idea that prevention and settlement of international disputes relating to the environment is an area where further development could be made within the framework of the Decade. The necessity to continue examination of the ways and means for the strengthening of the role of the International Court of Justice has been emphasized again. Australia, in particular, considered that it might be timely to undertake a review of the working methods of the Court.

39. Austria stated that increasing acceptance of the supremacy of law in international relations must go hand in hand with the establishment and promotion of mechanisms for the peaceful settlement of international disputes. This, according to Austria, calls for the recognition of a competent international body to deal with the cases in which States cannot agree on the interpretation or application of a rule of international law. In this respect, Austria holds the view that all proposals aimed at enhancing the role of the International Court of Justice, such as the proposal of the Secretary-General that he be granted the authority to request advisory opinions of the Court, deserve further consideration in the framework of the Decade. Austria further stated that, in respect of the promotion of other means and methods for the peaceful settlement of disputes between States, special emphasis should be placed on those areas where differences between States were most likely to occur in the future. The field of environment was one such area mentioned by Austria in which conflicts were likely to occur and for which appropriate measures for dispute prevention and settlement should be developed.

40. Mexico reported that it was making efforts to incorporate into the international treaties it negotiates the relevant mechanisms for the peaceful settlement of disputes, including the suggestions contained in annex II to General Assembly resolution 45/40. Mexico further stated that it supported the suggestion that the General Assembly should authorize the Secretary-General to seek advisory opinions from the International Court of Justice. It also emphasized that it was desirable for States to continue to consider resorting to the Court as a suitable means of peaceful settlement of disputes.

41. The Nordic countries emphasized the significance of a review of the option of accepting the compulsory jurisdiction of the International Court of

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* Under paragraph 2 of this section of the programme, States are invited to make proposals to the Sixth Committee in respect of the promotion of the means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice.

Justice. They also mentioned that they had, on an individual basis, contributed to the Secretary-General's trust fund to assist States in the settlement of disputes through the Court. The Nordic countries also underlined the importance of the informal consultations that had been held among the heads of departments responsible for international legal services of the Ministries of Foreign Affairs of the Member States of the United Nations, for building confidence among Governments and strengthening the process towards peaceful settlement of disputes.

42. Austria and Romania pointed out the importance of the current negotiations concerning the establishment, under the auspices of the Conference for Security and Cooperation in Europe, of a European mechanism for peaceful settlement of disputes, including a European court for conciliation and arbitration. Austria further reported that, as a means of promoting methods for peaceful settlement of disputes, a seminar on "United Nations - green helmets - A model system for the prevention and settlement of environmental disputes" was recently held at Vienna, organized by the Austrian Federal Ministry of Foreign Affairs with the participation of the Russian Ministry of Foreign Affairs.

## C. Encouragement of the progressive development of international law and its codification

### 1. Activities of international and regional organizations relevant to the progressive development of international law and its codification*

43. International governmental and non-governmental organizations are engaged in a number of activities relevant to the progressive development of international law and its codification in the various areas of their respective competence. Such activities range from the elaboration of treaties to the adoption of guidelines and resolutions. Proposals concerning future work in the area were also made.

44. ILO stated that it had a regular programme of codification of international labour law and up to the end of 1991 had adopted 172 international labour conventions and 179 recommendations. It has recently introduced a computer-based system for its conventions and recommendations as well as for the practice of its supervisory bodies.

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* Under paragraph 1 of this section of the programme, international organizations, including the United Nations system of organizations and regional organizations, are invited to submit to the Secretary-General summary information regarding the programmes and results of their work relevant to the progressive development of international law and its codification, including their suggestions for future work in their specialized field, with an indication of the appropriate forum to undertake such work. Similarly, the Secretary-General was requested to prepare a report on relevant activities of the United Nations (see sect. III below).

45. WHO pointed out that, although it had not been involved in the preparation of legal instruments, a number of its resolutions did contribute to the development of international health law and policy. It mentioned, for example, resolution WHA45/24, which emphasized the crucial relation between economic development and health, especially the health of most vulnerable groups; resolution WHA45/35, which updated global strategy for the prevention and control of AIDS; and resolution WHA45/29, containing the proposed guidelines for implementation of the WHO Certification Scheme on the Quality of Pharmaceutical Products moving in International Commerce. Regarding possible activities for the next term of the Decade, WHO reiterated the importance it attached to giving priority attention to developing principles and norms of international law establishing, inter alia, that the right to health is one of the fundamental human rights of every human being without distinction of race, religion, political belief, economic or social condition; that there is an international responsibility to transfer basic health and other technology to the less developed countries so they have the capacity to meet essential needs, aspirations and rights of their population; that the rights of the patients are part of the right to health and basic human rights of everyone; and that health-related knowledge should become accessible to all people in a form that increases their self-reliance and capacity to remain healthy.

46. IMO pointed out that, at its seventeenth regular session, the IMO Assembly adopted, on 6 November 1991, resolution A.720(17), entitled "Guidelines for the Designation of Special Areas and the Identification of Particularly Sensitive Sea Areas". The Guidelines are to assist IMO and national Governments in identifying, managing and protecting sensitive sea areas; to facilitate the designation of special areas under the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto; and to implement IMO rules and standards for the prevention, reduction and control of marine pollution from ships. The consideration of a draft international convention on liability and compensation for damage in connection with the carriage of hazardous and noxious substances by sea continued to be a priority subject in the work programme of the IMO Legal Committee. It was expected that a final draft convention would be submitted for the consideration of a diplomatic conference early in 1994. The IMO Legal Committee had also approved draft protocols to the International Convention on Civil Liability for Oil Pollution Damage (1969) and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (1971). The draft protocols are to be considered for adoption by a diplomatic conference scheduled for November 1992. IMO further noted that these conferences were being held because it was virtually certain that the protocols adopted in 1984, which required the acceptance of all the major oil-importing countries, would not enter into force, since one of the world's biggest oil importers decided in 1990 not to accept the two Conventions. The draft protocols to be considered at the diplomatic conference, while introducing different provisions for the entry into force, contained the same substantive provisions as the 1984 protocols, namely an increase in the amount of compensation available and a new system for amending the limits. It is further stated by

IMO that the draft convention on maritime liens and mortgages prepared by an IMO/UNCTAD Joint Intergovernmental Group of Experts would be considered for adoption by a United Nations/IMO Diplomatic Conference, to be convened between 19 April and 7 May 1993.

47. IMF reported that, by resolution 45-3 of 28 June 1990, the Board of Governors approved the Third Amendment of the Articles of Agreement of the Fund. The proposed amendment would add new provisions to the articles, in article XXVI, section 2, and in a new schedule L, under which a member's voting rights and certain related rights might be suspended by the Fund if the member, having been declared ineligible to use the general resources of the Fund, persisted in its failure to fulfil any of its obligations under the articles. In addition, new provisions would be inserted in article XII, section 3 (i), and schedule D concerning the effects of a termination of suspension.

48. AALCC observed that, at its recent session at Islamabad, it made an input to the progressive development of international law and its codification by urging the International Law Commission to consider the inclusion in its programme of work of an item entitled "Progressive development of the concept of reservation for peaceful purposes with regard to the high seas, the international seabed area, and marine scientific research". AALCC had made an effort to contribute to the progressive development of international environmental law. It had also participated actively in the work of the group of legal and technical experts convened by UNEP to formulate the principles relating to liability and compensation for damages arising from the transboundary movement of hazardous wastes. The Committee also participated in the meeting of the group of senior environmental law experts on the progress made on the 1981 Montevideo Programme and preparation for the second meeting on development and periodic review of environmental law. At the same session, at Islamabad in February 1992, AALCC requested the International Law Commission to take up, as a priority item, the subject "Legal aspects of the protection of the environment of areas not subject to national jurisdiction (global commons)". (See also the report of the Secretary-General on cooperation between the United Nations and AALCC (A/47/385).)

49. ICEL noted that during the consultations held at Munich in December 1991 on the law concerning the protection of the environment in times of armed conflict a number of recommendations were adopted regarding possible further development of the law. Those recommendations included the establishment of a system of emergency preparedness to protect the environment in times of armed conflict; the provision of information by States necessary for environmental damage assessment; the development of international and national measures to prevent environmental harm, including a list of hostile acts injurious to the environment and a registry of protected areas; the reconsideration of traditional military targets in the light of scientific progress; and the refinement of the concept of State responsibility/liability in that respect. As to the forums for the further development of such law, the Sixth Committee of the General Assembly was considered a principal forum for this task. The group suggested that the United Nations Decade of International Law should be

used to focus attention on such issues. The efforts of ICRC were also encouraged.

50. The Inter-Parliamentary Union discussed at the eighty-sixth Inter-Parliamentary Conference, at Santiago, the subject of "Development of measures to prevent and intervene against genocide through international cooperation within the framework of competent international bodies such as the United Nations". The parliamentarians expressed concern that existing measures were underutilized by the competent international organizations and were inadequate to prevent effectively or intervene against genocide. They noted that the absence of adequate enforcement mechanisms constituted a failure by the international community to implement the principles and standards laid down in the Charter of the United Nations and in international human rights instruments. Moreover, the participants adopted a series of recommendations for action by the United Nations system and its Member States. Thus, they called upon the United Nations to take all appropriate measures, in particular the establishment of an international early warning system, to prevent genocide and to intervene in any situation likely to lead to genocide. They also invited the United Nations Commission on Human Rights to appoint a special rapporteur on genocide and recommended the setting up of an international penal tribunal and a committee on genocide as contemplated in articles VI and VIII, respectively, of the Genocide Convention. Finally, they stressed the need for the prompt completion of the draft international code of offences against peace and security of mankind.

### 2. Suggestions by States for consideration by the Sixth Committee concerning the progressive development of international law and its codification*

51. Australia proposed that the topic of environment in times of armed conflict be examined and further developed in the framework of the Decade.

52. The Islamic Republic of Iran proposed that a week-long congress on public international law be held during the next term of activities of the Decade. The Islamic Republic suggested that experts from various countries, relevant international organizations and institutions, as well as representatives from all major legal systems, should be invited to address the congress, which would serve a variety of purposes: it would stress promotion of the acceptance of and respect for the principles of international law; it would assess the achievements of and prospects for the future progressive development of international law and its codification; and, above all, it

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* Under paragraph 2 of this section of the programme, States are invited, on the basis of information mentioned in paragraph 1, to submit suggestions for consideration by the Sixth Committee. In particular, efforts should be made to identify areas of international law that might be ripe for progressive development or codification.

would contribute immensely to the study, dissemination and teaching of international law, another primary objective of the Decade of International Law. In making this proposal, the Islamic Republic of Iran stated that it had considered the fact that the programme of activities of the first term of the Decade of International Law focused mainly on studying ways and means to promote the objectives of the Decade, seeking views of Governments, international organizations and institutions on methods and means for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice, as well as considering proposals regarding possible activities in the field of progressive development of international law and its codification. The Islamic Republic of Iran is of the opinion that the time had arrived to take some practical measures to uphold the aims of the Decade.

53. Mexico indicated that it would welcome the idea of holding a congress on international law as soon as possible, following the example of the recent congress organized by the United Nations Commission on International Trade Law (see para. 86 below).

54. The Nordic countries considered it to be of special significance that the main focus of the next stage of the Decade concentrated on the national level. They considered indeed that the Decade should be founded on four cornerstones, namely, (a) respect for the rule of law at the national level; (b) respect for the rule of law at the international level; (c) preparedness to settle international disputes by peaceful means; and (d) cooperation among States to achieve general agreement on the outcome of the Decade. The Nordic countries further observed that any codification process should, in order to secure better respect for the existing law, be linked to a plea for respect of the rule of law at both the national and the international level.

55. Spain supported the progressive development of international law and its codification and considered that it would be desirable for the Sixth Committee to exercise a coordinating function with regard to the various efforts undertaken in this area in numerous forums. The objective of such a coordinating function would be to ensure that the efforts which have been initiated receive general support from the international community, so as to guarantee their widespread acceptance; that was the only way to ensure the effectiveness of and respect for international law. In this context, Spain was mindful of the vital role played by the International Law Commission in the field of the progressive development of international law and its codification, and was likewise aware of the difficulty of finding new items that were liable to receive widespread support, so that efforts for their codification and progressive development would be initiated. Accordingly, it considered that it would be extremely useful if the International Law Commission, while not neglecting the search for new items, could undertake a review of previously elaborated conventions that had not yet achieved a sufficient level of acceptance. Furthermore, Spain wished to emphasize the exceptional contribution made by the United Nations Commission on International Trade Law in its specific area of concern. The Commission

should be encouraged to pursue its efforts vigorously, taking into account the results of the recent congress devoted to the discussion on uniform commercial law in the twenty-first century (see also para. 86 below).

### 3. Suggestions by States for consideration by the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization*

56. None of the replies received has touched on this subject.

## D. Encouragement of the teaching, study, dissemination and wider appreciation of international law

### 1. Promotion of international law in general among the public

57. In addition to information regarding the implementation of specific paragraphs of this section of the programme, a number of States mentioned in their replies their efforts to disseminate information for the promotion of international law and the Decade in general.

58. Australia indicated that the steps taken to increase national awareness of the Decade and to promote activities undertaken within its framework included the production and dissemination of publicity material, including a poster and United Nations documentation. A magazine dedicated to the Decade and issues of international law would be published shortly at the initiative of the Government. A central feature of that publication would be an outline of the prize-winning work of Australian academics in the area of feminist theory and international law. The Government of Australia had also moved to involve the Australian community more in its consideration of international legal issues and had, for example, circulated working papers on the draft Code of Crimes Against the Peace and Security of Mankind and the Jurisdictional Immunities of States and their Properties to academics for comment.

59. Japan observed that ever since its admission to the United Nations it had conducted various information activities in order to develop its people's understanding of the Charter of the United Nations. During the first term of the United Nations Decade of International Law, the Domestic Public Relations Division of the Ministry of Foreign Affairs compiled and distributed to the public a pamphlet entitled "The United Nations and Japan". The United Nations Association of Japan also issued and distributed to the public pamphlets entitled "The United Nations Charter" and "The United Nations Digest".

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* Under paragraph 4 of the section of the programme, States, particularly those which proposed the inclusion of this question in the programme for the Decade, are invited to present draft texts to the Secretary-General for consideration.

60. Mexico reported that it was eager to disseminate the updated report of the Secretary-General, which it considered a major contribution to the programme for the Decade since the report, according to Mexico, indicated that both the codification and the progressive development of international law had long ceased to be functions carried out primarily by the International Law Commission and the Sixth Committee of the General Assembly. It also suggested that the Secretary-General should hold annually, for the next term of the Decade, competitions leading to the award of three types of prizes, for essays on international law, in various categories; for leading authors of teaching material in the field; and for distinguished lecturers in the field; and that authors of recently published works on international law should be invited to give a presentation of their books for interested members of the Sixth Committee, informally, during the regular sessions of the General Assembly.

61. The Nordic countries observed that the purpose of the Decade was to enhance and solidify respect for international law, and this interest was well served through a great number of different activities at the national level, which, taken together, should have an educational effect furthering the goal of the Decade. The activities should, inter alia, comprise dissemination of the report prepared by the Secretary-General on the implementation of the programme of the Decade as well as on the activities of the United Nations relevant to the progressive development of international law and its codification and efforts to encourage the teaching, study, dissemination and wider appreciation of the basic concepts of international law. Accordingly, and in line with these endeavours, the Nordic countries were carrying out programmes for the dissemination of the Secretary-General's report, using, inter alia, the law faculties and the network of non-governmental organizations in their respective countries.

62. The United States observed that the Ford Foundation conducted activities to promote knowledge and understanding of international law among the American public. In late 1989 the Foundation supported the National Conference on the United States and the United Nations, convened by the United Nations Association-USA, which was the first national meeting of United States citizens in recent years to consider the role the United States should play in the United Nations, its specialized agencies and associated financial institutions. They had also given support to National Public Radio for increased coverage of international organizations. Grants had been made to the Parliamentarians for Global Action for Disarmament, Development and World Reform to support activities to improve the understanding of parliamentarians on issues of international peace-keeping and public international law. In cooperation with the Business Council for the United Nations, a series of evening conferences between members of the United States Congress, United Nations officials and representatives of the business community had been organized to review individual United Nations programmes and assess how the United Nations and the United States might better work together. A grant to the American Society of International Law (ASIL) was supporting 10 one-day conferences to be held throughout the United States on aspects of public international law of concern to particular regions of the United States. These conferences would involve local experts, members of the public,

academics, policy makers and journalists. The United States emphasized the role of non-governmental organizations based in the United States in the promotion of means and methods of the peaceful settlement of international disputes. Thus, it was indicated, in particular, that the Center for Development of International Law (CDIL) was working with a variety of international legal experts to develop a specific set of proposals and strategies for strengthening the International Court of Justice and international dispute resolution. The Center for International Environmental Law (CIEL) was involved in promoting the peaceful settlement of disputes through the Joint Research Program for International Environmental Law recently established between CIEL and American University's Washington College of Law. CIEL was teaching a course on international environmental disputes resolution and enforcement at American University and preparing a handbook for investigation of environmental disputes. The Center further promoted the peaceful settlement of environmental disputes through the legal services it provided to developing countries, countries in transition to market economies and non-governmental organizations. The Connecticut Bar Association's Section of International Law and World Peace has been working on suggestions for enhancing the effectiveness of the Permanent Court of Arbitration in The Hague. They also propose to coordinate volunteer efforts to provide legal assistance to developing countries.

63. Spain, in keeping with its support for the principle of the peaceful settlement of disputes and, in particular, for the International Court of Justice, considers that the Court should be a major forum for the activities of the Decade (this was reflected, inter alia, in its financial contribution to the trust fund established by the Secretary-General to enable countries with limited resources to have access to the Court). The Government of Spain has emphasized the need to make fuller use of the Court, in particular by promoting greater interaction between it and other United Nations bodies as part of the Organization's coordinated action for the settlement of international disputes. In that respect, Spain belives that it would be useful to consider means and modalities that would make it possible to authorize the Secretary-General, in accordance with Article 96, paragraph 2, of the Charter, to have direct recourse to the Court in order to request an advisory opinion on legal questions arising within the scope of his activities.

## 2. Promotion of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law*

64. Austria indicated that it supported with regular contributions the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, particularly the international law seminar. Austria further noted that one of the obstacles to a wider dissemination of relevant information on international law was the fact that it was currently impossible to have access to all relevant sources in an exhaustive way. A possible solution was the enhanced use of electronic databases. Obviously, not all relevant sources could be stored and regularly updated in only one database. It would therefore seem useful to initiate enhanced cooperation between research institutions concerned with a view to establishing a central coordination unit in addition to existing cooperation between various databases. A central coordination unit could, inter alia, contain a database on all databases that had stored relevant sources of international law; a centralized database on the most important sources of international law; coordination of relevant research activities; and a database on international lawyers.

65. Mexico reported that a group of members of the Sixth Committee involved in the United Nations Decade of International Law had contacted ASIL in order to coordinate efforts in the area relating to the encouragement of the teaching, study, dissemination and wider appreciation of international law. Together with WFM the Society and the group of the Sixth Committee States organized two round-table discussions in New York to discuss a number of issues relevant to the programme. As pointed out also by the United States, these lunch-time round-table discussions dealt with topics such as strengthening the preventive role of the Security Council; exploring issues of law and equity in international adjudication; identifying the role of the International Law Commission; and exploring strategies for promoting the Decade of International Law. Despite their informal and academic nature, these round-table discussions, as pointed out by both the United States and Mexico, provided scholars, diplomats and international lawyers with the opportunity to discuss and exchange views on those important legal and policy issues, thus contributing to the process of wider appreciation and dissemination of international law. According to Mexico, such round-table discussions would be held periodically from time to time and the

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* Under paragraph 1 of this section of the programme, States are encouraged to contribute to the strengthening of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law.

Secretary-General would be requested to publicize the experience gained from these discussions as an incentive for cooperation between the members of the Sixth Committee and national institutions and universities in the implementation of the Decade programme.

66. The Nordic countries observed that they supported the international law seminar within the framework of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law. Australia also mentioned that it had made contributions to the financing of the seminars organized under the Programme.

67. UNITAR observed that under the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, implemented jointly by UNITAR and the Office of Legal Affairs of the Secretariat, a fellowship programme was organized at The Hague on an annual basis. Each year, the programme included courses in public and private international law and also gave an insight into the legal work of the United Nations system covering humanitarian, economic and environmental aspects of international law. It was designed, at a highly professional level, for legal officers and university teachers of international law. In addition, some fellows under the Programme were able to spend a practical training period of up to three months in one of the Legal Offices of the United Nations system. A limited number of academically oriented candidates had the opportunity to attend the international law seminar organized in connection with the annual session of the International Law Commission at Geneva. Under the same programme of assistance, UNITAR hoped to conduct, on an annual basis, a two-week regional training and refresher courses in international law for government legal advisers and young university teachers from the three main developing regions, rotating each year from one region to another.

3. Promotion of the teaching of international law for students and teachers at schools and at higher education levels and international cooperation for that purpose*

68. Australia indicated that courses in international law were conducted at over 17 universities throughout the country, and that the Department of Foreign Affairs and Trade had recently instituted for these universities a programme of guest lectures by departmental lawyers on the Decade and on current issues in international law to be delivered at Australian universities.

69. Austria reported that courses in international law formed a constituent part of the curricula of all law students. In addition to law schools, courses on international law were also part of the curricula of other faculties, such as political science or economics, and of the Austrian diplomatic academy.

70. Mexico reported that talks covering the pre-primary, primary, secondary and preparatory education levels have been initiated with the National Technical Council for Education, which is responsible for revising and drawing up the projects and study programmes of the Ministry of Public Education. The Council invited the Mexican National Committee on the Decade to participate actively in the drawing up of the new texts and study on international law and international relations for Mexico relying on information received, inter alia, from replies to the questionnaires and letters addressed to various institutions, practitioners, teachers and students of international

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* Under paragraph 2 of this section of the programme, States should encourage their educational institutions to introduce courses in international law for students studying law, political science, social sciences and other relevant disciplines; they should study the possibility of introducing topics of international law in the curricula of schools at the primary and secondary levels. Cooperation between institutions at the university level, amongst developing countries, on the one hand, and their cooperation with those of developed countries, on the other, should be encouraged.

Under paragraph 3 of this section of the programme, States should consider convening conferences of experts at the national and regional levels in order to study the question of preparing model curricula and materials for courses in international law, training of teachers in international law, preparation of textbooks on international law and the use of modern technology to facilitate the teaching of and research in international law.

Under paragraph 6 of this section of the programme, cooperation among developing countries, as well as between developed and developing countries, in particular among those persons who are involved in the practice of international law, for exchanging experience and for mutual assistance in the field of international law, including assistance in providing textbooks and manuals of international law, is encouraged.

law in the country. Mexico also suggested that the general course on international law taught at the Academy of International Law should simultaneously be given in interested international law faculties and that a system of credits for supervised completion of the general course could constitute a unifying contribution to the study of international law worldwide.

71. Romania stated that, in recognition of the importance of dissemination of international law among younger generations, it encouraged the teaching, study, dissemination and wider appreciation of international law in state institutions of education as well as in private universities. The programmes of study of international law were being updated and adapted in accordance with the relevant recommendations adopted by the General Assembly. Postgraduate courses and other forms of preparation had been organized in the field of international law for young lawyers and diplomats. International assistance had been received for some of these activities.

72. Spain pointed out that international law figured prominently in Spanish university teaching. The recent general guidelines for law faculty curricula in Spain provided that public international law, EEC law and private international law should constitute the mandatory core curriculum in all study programmes. In addition, courses in the law of international organizations could be included in such programmes as an elective. At the postgraduate level, a number of specialized seminars on international law were held each year, among which were the Victoria-Gasteiz courses organized by the Universidad del País Vasco, and those sponsored by the Centro de Estudios Constitucionales. Furthermore, both international law and European law constituted a basic component of the exchange programmes between Spanish and foreign universities, particularly European universities, within the framework of the Erasmus Programme, and Latin American universities.

73. The United States pointed out that ASIL had been conducting a two-year comparative survey on the teaching of international law, primarily in the United States and Canada, but soon to include data from countries outside North America. The results of that survey would be published later in 1992. The survey had provoked interest in other countries to conduct surveys of their own, using ASIL materials. From those surveys, ASIL hoped to determine what teaching and research resources were needed and to develop teaching materials on international law for use both by law schools and political science departments. ASIL also sponsored the Jessup Moot Court Competition every year, with large participation worldwide. ASIL had also sponsored a programme of visits to 10 American universities by Judge Schwebel of the International Court of Justice. The final two visits in this programme would be made in the autumn.

74. The United States also reported that the Ford Foundation, a private grant-making organization, had taken steps aimed at ensuring that there was available in the United States a body of professionals trained in the teaching and practice of international law. They were seeking to attract promising graduates to the teaching of public international law by expanding and

enhancing course offerings, establishing fellowships for future law professors, creating internships and summer jobs for current law students, and supporting research. In the spring of 1990 the Foundation had made grants of $1.6 million to six United States law schools to support fellowships and internship programmes. These grants were also to be used to expand course offerings in international organizations and public international law and to improve curricular materials for introductory courses. Special attention was to be paid to encouraging minorities and women to study public international law. The Foundation would also encourage United States law schools to contribute to the development of specialized expertise in developing countries. The Foundation hoped to promote contacts between academic centres in the developing world and United States academic centres by supporting visiting scholars. The United States further observed that CIEL had also been active in encouraging the teaching and study of international environmental law. The CIEL legal staff designed and taught a variety of international environmental courses both in the United States and abroad. CIEL also provided opportunities in its Washington, D.C. offices for foreign environmentalists to conduct independent research and to participate in ongoing projects. With the help of CIEL, specialization in international environmental law within American University's existing LLM programmes has focused on various aspects of international environmental law. The joint CIEL-American University international law research programme was designed to support scholarships, research fellowships, publications and staff at the law school. The research programme was expected to host a forum series on international environmental law and two conferences each year.

75. The Commission of the European Communities noted that, in 1990, it launched the Jean Monnet project on European integration in university studies, which led, among other things, to the endowment of 135 "European chairs" across the Community, 57 of them in community law. In view of the interest the programme had aroused in higher education circles (over 2,500 applications), the European University Council for the Jean Monnet Project planned to continue it in the years to come, with the same objective of making the teaching of European integration studies a standard component of university curricula by the year 2000. In addition, there were around 100 universities in the Community that offered postgraduate courses in European studies, of which at least half were on community law.

76. UNESCO and UNITAR have issued a number of publications in international law, as contributions to the teaching of international law, including "International law: Achievements and prospects", published in English and French in 1991. The translation into other languages - Arabic, Chinese and Spanish - was envisaged. Moreover, a synthesis of the UNESCO contribution to the teaching of international law would be prepared in 1992 for dissemination in the form of a brochure in 1993.

77. UNITAR indicated that books with the following titles were scheduled for immediate publication under its auspices: "New Horizons in International Law", "International Law and Order" and "Debt Restructuring". It was also considering reprinting the book entitled "The World Court: What it is, and

How it Works" and the "Diplomats Handbook of International Law", both of which were currently out of print. UNITAR had also published a document compiling recommendations by lawyers and experts in various UNITAR seminars to facilitate better understanding of the role of lawyers and with the view to improving the drafting and finalization of loan contracts. It also intended to publish another document entitled "Good debt management pays" to highlight the legal aspects of debt management.

### 4. Organization of international and regional seminars and symposia for experts on international law*

78. A number of States and international organizations and institutions have organized meetings, symposia and seminars from September 1991 to date. Information on future activities was also provided.

79. Australia mentioned that there were a number of national bodies in that country which regularly held seminars on issues relating to international law. These included the International Law Association, the United Nations Association of Australia and the Law Council of Australia. Material on the Decade had been sent to national bodies and specific suggestions for activities during the Decade had been requested. Australia invited the New Zealand Ministry of External Affairs and Trade to participate in the international law weekend, a conference on international law held at the Australian National University in May each year. This year, the revival of the Australia/New Zealand Society of International Law was announced. It was hoped that the Society would provide a forum for Australian and New Zealand academics and government officials to discuss particular issues of international law. An annual international trade law conference was organized by the Attorney-General's Department at which international trade law issues, including the work of the United Nations Commission on International Trade Law, the International Institute for the Unification of Private Law and The Hague Conference were discussed.

80. Bolivia noted that a seminar would be held in July, in cooperation with the International Committee of the Red Cross (ICRC), on the implementation of international humanitarian law in the Republic of Bolivia.

81. Cuba stated that it had a special concern for the ecological problems which affect life on our planet and for that reason it had sponsored studies on problems related to the environment. In this connection, during the past year the first international meeting on environmental protection was organized at which reports were prepared relating to various aspects of the subject. Moreover, the Sociedad Cubana de Derecho Internacional, in collaboration with

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* Under paragraph 4 of this section of the programme, the United Nations system of organizations, regional organizations and States should consider organizing seminars, symposia, training courses, lectures and meetings and undertaking studies on various aspects of international law.

the Unión Nacional de Juristas de Cuba, organized a seminar whose main purpose was to analyse the implications for international law of the unjust blockade to which the people of Cuba have been subjected by the Government of the United States for more than 30 years.

82. Japan stated that at a symposium observing the Day of Human Rights held on 14 December 1991 under the auspices of the United Nations Association of Japan, the topic refugee issues and international law was discussed and Professor Zinsuke Ando of Kyoto University delivered a commemorative speech entitled "The individual and international law".

83. Mexico indicated that universities and colleges of higher education had been given information by the National Committee concerning the United Nations Decade of International Law and had been invited to organize seminars and lectures for the students and/or teachers with the participation of the Committee. Two series of lectures had already been conducted.

84. Spain pointed out that the Ibero-American Conferences on the topic of the Salamanca School and international law in America, past and future, would be held at Salamanca in November, under the sponsorship of the Spanish Association of Professors of International Law and International Relations and with the participation of prestigious international law specialists from several continents. Spain further observed that the Seventeenth Congress of the Hispano-Luso-American Institute of International Law would be convened in Cáceres in September.

85. The United States noted that ASIL held annual meetings that covered a broad range of international legal topics. These meetings were attended by experts on international law from around the world, as well as legal professionals with an interest in international law and students of international law. In the summer of 1993 they would sponsor the second joint annual meeting with the Society of International Law of the Netherlands at The Hague, which they planned to expand into a regular series of joint annual meetings. They were also exploring joint meetings with national societies of international law in Mexico and Canada. The aim of the joint meetings was to provide a means of bringing together legal experts and professionals from around the world for discussion and exchange of ideas. Furthermore, ASIL working committees had recently treated legal aspects of arms control and disarmament, the work and jurisdiction of the International Court of Justice, problems of State-sponsored terrorism, and United States-United Nations relations. Among ASIL activities in connection with the Decade had also been the formation of an interest group on the Decade. This interest group had been meeting over the last two years to discuss activities the Society could undertake within the parameters of the General Assembly's mandate. The group would begin publishing a newsletter later this summer that would publicize ASIL activities in connection with the Decade. It would also submit a report of its findings and recommendations later in 1992. A panel discussion on the Decade and ASIL activities would be held at the Society's next annual meeting in April 1993. The United States further pointed out that the International Section of the American Bar Association (ABA) had also sponsored panel

discussions on a variety of issues related to the Decade of International Law, including a panel entitled "Protecting the environment through international law: lessons learned from the Persian Gulf war". It also reported that CIEL co-sponsored conferences, seminars and workshops on current environmental topics in cooperation with different government agencies and non-governmental organizations. In conjunction with Ecotropica, a Brazilian environmental organization, CIEL assisted in designing and conducting workshops on investigating and enforcing environmental claims for Brazilian environmental prosecutors. Future workshops were being planned for trade and the environment.

86. The United Nations Commission on International Trade Law reported that in 1992 it organized a congress on international trade law in the context of the twenty-fifth session of the Commission and as a contribution to the activities to mark the United Nations Decade of International Law under the theme "Uniform commercial law in the twenty-first century". The congress was practically oriented in that it provided an opportunity to ultimate users of legal texts relating to international trade law to express their opinion on the current state of the law and practice in selected areas of international trade law and to voice their practical needs. 2/

87. UNESCO indicated that, from 25 to 29 September 1991 at Budapest, it had organized, in collaboration with the Institute of Juridical Sciences of the Academy of Sciences of Hungary, an international meeting of experts on the elucidation of links between the concepts of the rights of peoples, self-determination and cultural identity. The meeting constituted the fourth in a series of international meetings of experts devoted to these questions. It centred on the following points: balance sheet of the debate on the concept of the rights of peoples, self-determination and cultural identity; rights of peoples and self-determination; and cultural rights of peoples.

88. ICAO recalled the decision of its Council to organize a number of regional seminars on the legal work of the organization aimed at stimulating the ratification and implementation of instruments of international air law. The seminars were expected to take place in 1992 and during the triennium 1993-1995 focusing on topics such as private air law instruments; aviation security instruments and related matters; procedure for the registration of aeronautical agreements and arrangements; the Chicago Convention and its amendments; procedures for ratifying international air law instruments; subjects in the work programme of the Legal Committee; implementation of the ICAO Standards and Recommended Practices; the procedure under article 38 of the Chicago Convention; ICAO's role in the suppression of drug abuse and the illicit traffic in drugs and psychotropic substances; future challenges in the legal field; and implementation of air law instruments in domestic legislation.

89. The Hague Academy of International Law noted that it had organized a symposium on the role of the Security Council in the maintenance of international peace and security from 21 to 23 July 1992.

90. ICEL observed that it contributed sponsorship to workshops such as the Conference on International Law and the Environment held at Florence, Italy, in May 1991, under the auspices of the Italian Supreme Court. Moreover, from 13 to 15 December 1991, ICEL, in collaboration with the IUCN Commission on Environmental Law, held consultations at Munich, Germany, with legal experts on the law concerning the protection of the environment in times of armed conflict.

91. ICRC noted that it had also held a meeting of experts to study the content and limits of the legal rules relating to the protection of the environment in times of armed conflict, and to identify possible gaps in existing law (see A/47/328).

92. IUCN noted that a crucial part of promoting the development of international environmental law was the exchange of information through workshops and seminars. A series of such exchanges were planned in the coming years, especially for lawyers and administrators in developing countries. In November 1991, a seminar on biological diversity conservation and international law was organized by the IUCN Environmental Law Centre for participants from English-speaking African States. The seminar paralleled a similar seminar held previously by the Law Centre for participants from French-speaking African States. In February 1992, the law programme also hosted a workshop on area-based conservation law for the participants of the IUCN Fourth World Parks Congress, held at Caracas.

### 5. Training in international law for legal professionals and government officials organized by States and international organizations*

93. Australia noted that its Department of Foreign Affairs and Trade had since 1990 required all graduate entrants to undertake a semester-long course in international law run by the Australian National University. The course was also open to other officers in the Department and would soon be open to diplomatic staff from other countries based in Canberra. Moreover, Australia indicated that it had funded six prominent South Pacific lawyers to attend the 1990 International Law Association Conference, which was held in Australia. The Department of Foreign Affairs and Trade was investigating the possibilities of setting up a scholarship scheme to assist in the training in international law of government lawyers from South Pacific island countries. An Australian diplomat had also presented a series of lectures on topics of

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* Under paragraph 5 of this section of the programme, States are encouraged to organize special training in international law for legal professionals, including judges, and personnel of ministries of foreign affairs and other relevant ministries. UNITAR, UNESCO, The Hague Academy of International Law and regional organizations are invited to cooperate in this respect with States.

international law to trainees from the Estonian School of Diplomacy and presented law books to Estonia as part of Australia's assistance to the new States of Eastern Europe.

94. The United States pointed out that the Department of State had conducted a series of "rule of law" programmes throughout the world aimed at promotion of and respect for the rule of law, including international law. The rule of law programmes had taken the form of judicial education programmes, training of legal experts and summer study programmes for foreign judicial system officials. Programmes had been carried out in the Commonwealth of Independent States, Central and Eastern Europe, Latin America and the Caribbean, Africa, the Near East and East Asia. The State Department, together with the Federal Judicial Center, and the Judiciary Development Leadership Council, would be sponsoring a seminar in the summer of 1992 for legal officials from the Commonwealth of Independent States. Participants were 20 high-level legal officials from various republics of the former Soviet Union. The participants included the Minister of Justice of Georgia, General Prosecutors of the States of Ukraine and Kyrgyzstan, the Chief of the Supreme Court of Kazakhstan, and the Chief of the Constitutional Court of Kyrgyzstan. Subjects to be covered in the seminar included organization and operation of the court system, the jury system, the practice of law, and operation of the criminal justice system and protection of human rights. The United States further observed that the ABA carried out training seminars on international law for judicial clerks in order to enhance knowledge and understanding of international law in the American judiciary. Various local bar associations were also involved in activities related to the promotion of international law.. The International Law Section of the District of Columbia Bar Association, for example, held regular programmes on international law of interest to practitioners. There were Washington, D.C. bar committees on international trade, anti-trust, energy, environment and minerals, human rights, immigration and refugee affairs, investment and finance law, and national security and public international law. Thirty-two programmes were held during the year 1991/92. Such programmes provided an important means for legal professionals in the United States to educate themselves about international law and to enhance awareness of the importance of international law.

95. IMF indicated that it organized biennial seminars for legal advisers of central banks on current legal issues affecting central banks.

96. UNITAR noted that its training programme in debt management sought to provide training in legal aspects of debt management in countries of sub-Saharan Africa and Asia and the Pacific. UNITAR expressed the view that, while many factors had led to the current dismal state of debt management in developing countries, the underestimation and neglect of legal aspects of debt management was certainly among the most important. It pointed out the specific areas that required attention and identified particular aspects of the debt management problem that needed to be studied. UNITAR also made the point that a basic knowledge of international economic law, including procedures for the peaceful settlement of disputes, was essential when working within the framework of multilateral negotiations. It has therefore organized

annually and jointly with the Legal Division of GATT a Workshop on Procedures for the Peaceful Settlement of Commercial Disputes under GATT, the objective of which was to explain dispute settlement procedures, including mediation and conciliation, that were used in GATT. The workshops are open to members of permanent missions dealing with the affairs of GATT (and UNCTAD), who had already acquired some experience in the field of international negotiations. UNITAR further observed that within the newly developed programme concerning the promotion of cooperation in environment-development negotiations, it organized a training module dealing with negotiation skills that promoted mutual gain and consensus.

97. ILO noted that the International Training Centre for the ILO at Turin had given courses in international commercial law.

98. IMO pointed out that the International Maritime Law Institute in Malta had completed its third comprehensive course in international maritime law, lasting one full academic year, in June 1992.

99. The United Nations International Drug Control Programme indicated that a training programme for judges and prosecutors was begun in 1990 and expanded in 1991. Five seminars were conducted for French-speaking States particularly from Africa and a project was initiated for English-speaking States in the Caribbean. In 1991, a project was initiated in Bolivia to help establish a safer and more efficient legal and judicial structure for the trial of cases involving substances under international control. Activities included the drafting of a manual for public prosecutors, a training seminar for them, and measures to counter the intimidation of judges by organized crime, such as the construction of maximum security premises to house a special court to hear the cases, and improvements to the infrastructure of a maximum security prison.

100. The Court of First Instance of the European Communities indicated that it took part in the various training programmes and programmes of visits organized by the the Communities' judicial authorities. In this context, many groups, such as groups of judges, lawyers or students, came from the States members of the European Communities, from other European States and sometimes from States outside Europe to Luxembourg to learn from the judicial authorities about judicial practice and the development of law in the European Communities. It was clear that the development of their judicial authorities was of increasing interest to regional intergovernmental organizations throughout the world. The Communities' judicial authorities would without question continue to carry out the important function of disseminating and promoting knowledge of such issues, as well as an understanding of the legal organization of cooperation among the States members of the European Communities.

6. Publication of the practice of States, international and regional organizations in the field of international law*

101. As indicated in the replies received in this regard, the practice of States and international organizations in the area of international law is published in the form of yearbooks, legal series, reports and other specialized materials. 1/ Some information is also available on databases.

102. Australia indicated that the Department of Foreign Affairs and Trade had, in conjunction with the Attorney-General's Department and the Australian National University, accelerated the publishing schedule of the Australian Yearbook of International Law, which included a section on Australian practice in international law.

103. Austria reported that an Austrian Repertory of Practice is published regularly in English and German as part of the Austrian Journal of Public and International Law. In addition, an Austrian expert is participating in a committee of experts established by the Council of Europe's Committee of Legal Advisers on Public International Law in order to study the possibility of coordinating and harmonizing publications on state practice.

104. Japan believed that in its efforts to promote public understanding, it would be useful to keep data regarding specific roles played by international law in the constantly changing international situation, as well as data regarding how each country perceived such roles. The Government of Japan proposed that materials be improved accordingly. For instance, in order to facilitate understanding among countries, efforts might be made to promote and foster cooperation in the compilation and issuance of materials, including explanations and analyses of issues relating to international law in which individual countries were involved. It was in accordance with this idea that each year Japan donated to educational and research institutions around the world several hundred copies of the Japanese Annual of International Law, which included the annual review of Japanese practice in international law. Japan further observed that it might also be useful to consider appropriate measures to ensure the timely publication of the following United Nations materials: the Repertory of Practice of United Nations Organs and the Repertory of Practice of the Security Council.

105. Mexico reported that during 1992 an updated list of bilateral and multilateral treaties to which Mexico is a party was published and circulated not only to the civil service, as in the past, but also to the private sector through commercial channels.

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* Under paragraph 7 of this section of the programme, States, regional and other international organizations should endeavour to publish summaries, repertories or yearbooks of their practice.

106. Spain observed that the Government was endeavouring to give the greatest publicity possible to international agreements signed by Spain and, to that end, with the invaluable assistance of the Treaty Section of the Office of Legal Affairs, it published a biannual list of international treaties and agreements to which Spain was a party. The list contained acts of law that Spain or any other contracting party had adopted in relation to those instruments. Also in 1992, the publication in English of the Spanish Yearbook of International Law would begin. This would supplement the scientific contribution made by the Revista Española de Derecho Internacional, and would facilitate a better knowledge of Spanish international legal doctrine and practice among experts from various countries.

107. The United States indicated that it published a variety of materials that promoted knowledge of and respect for international law and state practice. The Department of State Dispatch provided a variety of foreign policy information from the Department, as well as the publication of major speeches, congressional testimony, policy statements and fact sheets. The State Department's Bureau of Oceans and International Environmental and Scientific Affairs published a series Limits in the Sea, which provided information on national maritime claims by coastal States. Number 112 of the series, United States Responses to Excessive National Maritime Claims, set forth the position of the United States towards excessive claims by coastal States, as inconsistent with international law. This publication detailed United States practice of objecting to excessive claims by means of the Freedom of Navigation Program and the assertion of navigational rights and freedoms against objectionable claims. It also provided a comprehensive discussion of state practice regarding jurisdictional claims by coastal States. ASIL contributed many publications to the field of international law. It published the periodical International Legal Materials, which reproduced by photo-offset the official texts of legislation, regulations, reports, judicial and similar proceedings, treaties and agreements, and other documents of international legal interest. If an official version was not available in the English language, ASIL provided an unofficial English translation. By making key international legal documents available on a timely basis, this publication, as pointed out by the United States, had become a reference tool on international law used throughout the world by practitioners and scholars alike. ASIL also had compiled a database of international economic law documents and several other databases were in the process of being created.

108. The United Nations International Drug Control Programme observed that in 1991-1992 it published 169 drug control laws implementing the international drug control treaties from 85 countries together with accumulative index of such laws for the period from 1987 to 1990. Work also began on a computerized library of legislation to improve the quality of the review and analysis of legislation, as well as States' access to such legislation. Included in the holdings will be the law of Parties to the Conventions on such important international cooperation law topics as extradition, mutual legal assistance, as well as money laundering law, including currency reporting, bank secrecy and confiscation laws. The Programme also began work to establish a directory listing the national authorities for action under articles 7 (mutual legal

assistance), 12 (control of substances frequently used in illicit manufacture of narcotic drugs and psychotropic substances) and 17 (illicit traffic by sea) of the 1988 Convention. The directory was expected to be available to States in 1992 to assist Governments to identify the authorities concerned and to communicate directly with them. Volume II of the Official Records of the United Nations Conference for the Adoption of a Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 25 November-20 December 1988, was published in 1991. The volume contained the summary records of meetings of Committees I and II of that Conference. Volume I is expected to be published during 1992.

109. AALCC indicated that, in recognition of the importance of the relationship between economic development and harmonization of legal regimes concerned with international trade through the sharing of experiences accumulated among member States of the Committee, it had established a data collection unit at its headquarters in New Delhi. (For other details, see the report of the Secretary-General on cooperation between the United Nations and AALCC (A/47/385).) AALCC also continued to print the reports and verbatim records of its annual sessions. The Committee further published a book entitled International Refugee and Humanitarian Law, containing the report of the workshop organized conjointly by AALCC and the Office of the United Nations High Commissioner for Refugees (UNHCR), background papers and universal and regional instruments relating to refugees, which had been given wide publicity in the region. It also intended to publish regularly selected studies prepared for the annual sessions, which had a direct bearing on current topics of international law.

110. The Commission of the European Communities made the point that CELEX, the Interinstitutional Computerized Documentation System for European Community Law, was now accessible to the public in all of the Communities' official languages.

111. ICEL observed that, to keep the community of environmental professionals informed of current developments, the Bonn office published ICEL References four times a year. During the course of one year, ICEL References would cite over 2,500 new titles. ICEL References were available by subscription to members, as well as to non-members interested in environmental matters. The Council added that the ICEL-sponsored journal, Environmental Policy and Law, was founded in 1975. In recent years it had grown from a quarterly publication to one published six times a year. The purpose of the journal was to highlight current developments in international environmental law. It contained sections on United Nations activities, international developments, and regional and national affairs. In addition, excerpts from selected current documents, especially documents on evolving international legal and soft law instruments that were not otherwise published or were not easily accessible were reprinted. Moreover, as a service of UNEP, ICEL, in collaboration with the Inter-Parliamentary Union, produced Environmental Notes for Parliamentarians, a monthly newsletter designed to provide parliamentarians with brief but regular references to current developments in environmental policy.

7. Wider publication of the judgments and advisory opinions of the International Court of Justice*

112. The summaries of the judgments and advisory opinions of the International Court of Justice (1949-1990) as provided by the Court's Registry will be published during 1992 in a single volume in all official languages of the Organization, within the existing overall level of appropriations (see ST/LEG/SER.F/1 (English language version already available)). The publication will be updated in subsequent years.

8. Wider publication of the judgements and advisory opinions of other international courts and tribunals and summaries thereof**

113. The decisions of the Court of First Instance of the European Communities are disseminated together with those of the Court of Justice of the European Communities in a compilation of decisions, in a reference work on decisions on Community law, and through the electronic database CELEX and the weekly reports on current activities issued by the Information Service of the Court of Justice of the European Communities, which also provides services to the Court of First Instance.

9. Publication by international organizations of treaties concluded under their auspices, publication of the United Nations Treaty Series and Juridical Yearbook***

114. Publication of the United Nations Juridical Yearbook has been resumed after an interruption due to the financial crisis. The 1982, 1983, 1984 and 1985 editions came out in 1989, 1990, 1991 and 1992, respectively, and the 1990 edition is in press. The calendar of production of subsequent editions

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* According to paragraph 8 of this section of the programme, it would be conducive to the teaching and dissemination of international law if all judgments and advisory opinions of the International Court of Justice were available in all official languages of the United Nations.

** Under paragraph 9 of this section of the programme, other international courts and tribunals are invited to disseminate more widely their judgements and advisory opinions, and to consider preparing thematic or analytical summaries thereof.

*** Under paragraph 10 of this section of the programme, international organizations are requested to publish treaties concluded under their auspices, if they have not yet done so. Timely publication of the United Nations Treaty Series is encouraged and efforts directed towards adopting an electronic form of publication should be continued. Timely publication of the United Nations Juridical Yearbook is also encouraged.

provides for the submission of the 1986 edition in the course of 1992; the 1987, 1988 and 1991 editions in 1993; the 1989 and 1992 editions in 1994; and the 1993 and 1994 editions in 1995. This calendar, under which work proceeds simultaneously at both ends, will make it possible to bridge the gap and eliminate the backlog by the end of 1995, while at the same time keeping readers of the Yearbook abreast of contemporary developments. The United Nations Secretariat has made special efforts to eliminate the backlog in the publication of volumes of the United Nations Treaty Series. For its part, the Treaty Section hopes to have eliminated the backlog in the compilation of manuscripts by the end of the current biennium: as a result of these efforts, it may be noted that close to 100 volumes of the Treaty Series were published in 1991. In addition to its work on the elimination of the backlog, the Secretariat is also actively pursuing its programme of computerization of the Treaty Series. It is now in the process of completing an automated alphabetical and chronological index on the basis of the United Nations Treaty Information System. This index will cover material going back to the beginnings of the United Nations. It is fully expected that the new index will be available in electronic as well as printout forms by the end of September 1992. To that end, the Secretariat has been finalizing a database that will contain all relevant data on all treaties registered with the United Nations, including those which are not yet included in the published volumes of the Treaty Series. The Secretariat hopes to have the database in place by the end of 1992 and intends to link it with one of the major legal information systems. Users will then be able to obtain up-to-date information on treaties through on-line access to the database, rather than by addressing inquiries to the Treaty Section. This will greatly facilitate the use of the data accumulated at the United Nations, as it will speed up the work of the Treaty Section. In addition to the computerized database, the Secretariat is now finalizing a report to the General Assembly on entering the entire content of the published volumes of the Treaty Series on CD-ROM disks. Such an effort is warranted since no library, private or public, could efficiently handle the 1,500 volumes of the Treaty Series expected to be on the shelves by 1992. The introduction of CD-ROM will thus facilitate the use of the Treaty Series.

## E. Procedures and organizational aspects

### 1. The role of the Sixth Committee of the General Assembly of the United Nations

115. Austria holds the view that the Sixth Committee, through its working group on the Decade, should continue to monitor closely all activities related to the Decade as to their effectiveness and to adjustments to be made whenever the need arises. According to Austria, the working group should serve as the "steering body" regarding all questions relating to the Decade with a view to further developing generally acceptable recommendations for consideration and adoption by the General Assembly.

116. Mexico proposed that the working group on the Decade should meet throughout the year so that it could effectively coordinate and promote action under the programme, without having to depend on meetings held exclusively

during the General Assembly regular session and that it might be desirable, as an initial experiment, for the group to meet once a month throughout 1993. Mexico also welcomed the possibility of the establishment of an open-ended international committee on the United Nations Decade of International Law in which the following could participate: members of the Sixth Committee, members of the International Law Commission, Judges of the International Court of Justice, the informal group of legal advisers to foreign ministries of States Members of the United Nations, members of national judiciaries, lawyers in the United Nations and its specialized agencies, interested non-governmental organizations, foundations, universities, national and international associations for international law, publishing houses specializing in international law, boards of publishers of periodicals specializing in international law, The Hague Academy of International Law and the United Nations Commission on International Trade Law. It also suggested that the Sixth Committee should take the initiative of initiating practical steps aimed at an informal increase in the frequency of communication both with the members of the International Law Commission and with the International Court of Justice.

117. Spain finds satisfactory the role assigned to the Sixth Committee as the focus for the discussion on the United Nations Decade of International Law. It recognizes that, while the role of the Sixth Committee is thus dominant, it does not, however, exclude contributions to the implementation of the Decade programme that may be made by various United Nations specialized agencies and other international organizations with competence to deal with international law issues. According to Spain, therefore, the Sixth Committee's activities should promote and encourage such multiple efforts in the implementation of the Decade programme. Such efforts may culminate in a declaration on the strengthening of international law recommending appropriate measures for improving the effectiveness of and respect for international law in this new phase of international relations.

### 2. Establishment of national, subregional and regional committees for implementation of the programme*

118. Bolivia reported that its Ministry of Foreign Affairs and Worship would soon be forming its national committee for the Decade, bringing together scholars and experts in international law both from the Ministry and from the university system, the Bolivian Academy of Sciences and other similar institutions, in order to join its three Latin American neighbours, which have already set up their national committees.

119. Mexico reported that it had established the Mexican Committee on the Decade of International Law, consisting of prominent academics and

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* Under paragraph 4 of this section of the programme, States are encouraged to establish, as necessary, nationl, subregional and regional committees, which may assist in the implementation of the programme for the Decade.

professionals in the field, and that the Committee had since created four subcommittees to work towards the fulfilment of the various objectives of the Decade and that the discussions within the Committee had resulted, inter alia, in the proposal for the establishment of the Mexican Association of International Law Students. Among its functions the Committee is to send members to the universities in the country to spread awareness on the latest developments in international law and to work on a treatise on international law, including analysis of international law cases involving Mexico.

120. The United States reported that it had established a national commission for the United Nations Decade on International Law. Its participation in the various round-table discussions mentioned earlier was part of the work of the national commission in question.

121. Australia pointed out that the Department of Foreign Affairs and Trade was responsible for implementing Australian activities for the first biennium of the Decade. A coordinating body comprising academics and members of national bodies as well as government representatives would be set up to coordinate future activities.

122. Romania indicated that the Romanian National Committee for the United Nations Decade of International Law was the coordinating body for the implementation of a great variety of activities devoted to international law. It receives contributions in this field from various national institutions in Romania, such as the Romanian Institute for Human Rights, the Romanian Institute of International Studies, the Romanian Association of Humanitarian Law, the Romanian Association for the United Nations and the Association of International Law and International Relations. These institutions have sponsored many conferences, round tables and symposia on subjects of international law, with the participation of specialists from other countries.

123. Austria stated that a broad range of institutions in Austria were involved in the implementation of the programme of the Decade and it had therefore so far not considered it necessary to establish a national committee for the Decade.

### 3. The question of the provision of adequate financing for the implementation of the Decade programme*

124. None of the replies received addressed this question.

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* Under paragraph 5 of this section of the programme, it is recognized that, within the existing overall level of appropriations, adequate financing for the implementation of the programme for the Decade is necessary and should be provided. Voluntary contributions from Governments, international organizations and other sources, including the private sector, would be useful and are strongly encouraged. To this end, the establishment of a trust fund to be administered by the Secretary-General might be considered by the General Assembly.

# III. ACTIVITIES OF THE UNITED NATIONS RELEVANT TO THE PROGRESSIVE DEVELOPMENT OF INTERNATIONAL LAW AND ITS CODIFICATION

## A. The law relating to human rights

### Commission on Human Rights - Subcommission on Prevention of Discrimination and Protection of Minorities

125. At its forty-sixth session, the General Assembly adopted the Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care (resolution 46/119 of 17 December 1991), elaborated by the Subcommission on Prevention of Discrimination and Protection of Minorities and reviewed by the Commission on Human Rights.

126. At its 1992 session, the Commission on Human Rights finalized the text of a draft declaration on the protection of all persons from enforced disappearances, prepared by the Subcommission on Prevention of Discrimination and Protection of Minorities. The Commission recommended to the Economic and Social Council the submission of the draft declaration to the General Assembly for consideration and adoption at its forty-seventh session. The Commission also completed the text of a draft declaration on the rights of persons belonging to national, ethnic, religious or linguistic minorities, and recommended to the Economic and Social Council the submission of the text to the General Assembly for adoption.

127. Currently, the Commission is working, on the basis of a study and a draft body of principles elaborated by the Subcommission, on a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms to be completed by the Commission at its next session. The Subcommission is currently working towards the completion of a draft declaration on the rights of indigenous peoples. It is also elaborating a draft declaration on the right of everyone to leave any country, including his own, and to return to his country.

128. Plans for future work of the Commission include the elaboration of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment designed to establish a preventive system of visits to places of detention. The Subcommission is studying a number of questions, such as the right to a fair trial, and human rights and the environment. 3/

### Commission on the Status of Women

129. The Commission is making progress towards the elaboration of a draft declaration on violence against women (see E/1992/24).

## B. The law relating to disarmament

130. The Conference on Disarmament is expected to adopt during the third part of its 1992 session a convention on the complete and effective prohibition of the development, production and stockpiling and use of chemical weapons and on their destruction, which it would submit to the General Assembly for adoption at its forty-seventh session.

131. At its last session, the Conference decided to add a new item to its agenda, entitled "Transparency in armaments" (CD/1150). It did so in response to requests made to it by the General Assembly at its forty-sixth session (resolution 46/36 L) in connection with the continuing operation and further development of the United Nations Register of Conventional Arms, opened in January 1992. The Conference began discussion on the elaboration of universal and non-discriminatory practical means to increase openness and transparency related to the accumulation of arms, including military holdings and national procurement, and to the transfer of high technology with military applications and to weapons of mass destruction, in accordance with existing legal instruments.

## C. The law relating to outer space

132. The Committee on Peaceful Uses of Outer Space finalized at its 1992 session a set of principles relevant to the use of nuclear power sources in outer space, which it submitted to the General Assembly for adoption at its forty-seventh session.

## D. The law relating to economic development

### The work of the United Nations Conference on Trade and Development

133. The International Sugar Agreement was concluded at Geneva on 26 March 1992 under the auspices of UNCTAD.

134. The United Nations Cocoa Conference, 1992, was convened at Geneva from 21 April to 1 May and from 6 to 24 July 1992, to prepare a successor agreement to the International Cocoa Agreement, 1986.

135. It is also expected that United Nations conferences will be convened in 1992 and 1993 under UNCTAD auspices for the purpose of renegotiating international agreements on olive oil and table olives; on tropical timber; on natural rubber; and on maritime liens and mortgages, for which a diplomatic conference to draft a convention is scheduled for 1993.

### The work of the United Nations Commission on Transnational Corporations

136. The United Nations Commission on Transnational Corporations reported that it continued to contribute to the law relating to economic development in the

following three areas: (a) international business transactions, in which the Commission provides advice to host Governments and governmental agencies with respect to the structuring, negotiation and conclusion of international business transactions; (b) the international legal framework and international norms for foreign investment and other international business, in which the Commission undertook several projects for the elaboration of international norms relating to foreign investments and international business transactions; and (c) emerging international standards, under which the Commission's work revolves around the analysis of emerging standards in international environmental law with particular reference to the responsibilities of transnational corporations. The Commission is also collaborating with other institutions in studying international measures relating to the problem of corrupt practices.

## E. The law relating to international trade

137. At its twenty-fifth session, the United Nations Commission on International Trade Law adopted the UNCITRAL Legal Guide on International Countertrade Transactions and the UNCITRAL Model Law on International Credit Transfers.

138. The United Nations Commission on International Trade Law decided that the deliberations of the Congress on international trade law and the suggestions made at the Congress as to possible topics for future work in the unification of international trade law would be considered by the Commission at its twenty-sixth session when it considers its future work programme.

## F. The law relating to international drug control and to crime prevention and criminal justice

139. While no further activities have been reported beyond those recorded in last year's report concerning the law relating to international drug control, the following have been submitted in connection with the law relating to crime prevention and criminal justice.

140. The Commission on Crime Prevention and Criminal Justice of the United Nations Centre for Social Development and Humanitarian Affairs mentioned a number of activities in this field. At its first session, the Commission devoted particular attention to the importance and detrimental effects of transnational crime, including organized and economic crime. In determining the priorities of the programme, the Commission accorded prominence to the need for increased and effective international cooperation with respect to issues related to transnational and economic crime, including money laundering, as well as in the role of criminal law in the protection of the environment. The Commission submitted to the Economic and Social Council a draft of specific recommendations on the modalities of international cooperation and encouraged Member States to conclude bilateral and multilateral agreements, using as a basis the United Nations Model Treaties on

Extradition, Mutual Assistance in Criminal Matters and Transfer of Criminal Proceedings, adopted on 14 December 1990 by the General Assembly in its resolutions 45/116, 45/117 and 45/118, respectively. The Commission also adopted resolution 1/2 on the control of the proceeds of crime, in which it requested the Secretary-General to examine the possibility of coordinating efforts already made at the multilateral level against the laundering of proceeds of crime and related offences, including embezzlement. In resolution 46/152, the Commission, inter alia, stressed the need for the United Nations crime prevention and criminal justice programme to provide practical assistance to Member States in a variety of areas. The Crime Prevention Commission expects to continue cooperating with the International Law Commission in the context of the Decade. It mentioned, in this connection, the workshop on questions concerning the draft code of crimes against the peace and security of mankind and the nature and structure of an international criminal court, which was convened by the Crime Prevention Commission and attended by several members of the International Law Commission, including its Chairman and Special Rapporteur, on the topic of the draft Code of Crimes Against the Peace and Security of Mankind under which these questions are being discussed.

## G. The law relating to environment

### The work of the United Nations Environment Programme

141. The Convention on Biological Diversity, the text of which was negotiated and concluded within the framework of UNEP, was opened for signature at the United Nations Conference on Environment and Development at Rio de Janeiro on 5 June 1992. Other UNEP activities relating to the progressive development of international law in the environmental field have included the fourth meeting of the parties to the Montreal Protocol on Substances that Deplete the Ozone Layer (1987), which is scheduled to be held in Copenhagen in November 1992; the first meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, which entered into force on 5 May 1992; development of a code of ethics on the international trade in chemicals, which it intends to recommend for adoption by private sector parties, in particular the chemical-producing industry, in pursuance of the decision of the Governing Council; work on draft conventions for the protection and management of the East Asian seas and the South-East Asian seas regions respectively, as well as draft protocols to respective conventions concerning cooperation in combating marine pollution in cases of maritime emergency and the prevention of pollution by dumping from ships and aircraft; convening of a meeting of government-designated experts on marine pollution from land-based sources at Nairobi in December 1991; and further work on questions such as environmental impact assessment, environmental emergencies, climate change, coastal zone management, soil conservation and forest protection, transboundary air pollution, protection and management of rivers and other inland waters, prevention and redress of pollution damage, dispute avoidance and settlement, trade and environment, and liability and compensation for environmental damage.

The work of the United Nations Conference on Environment and Development

142. The United Nations Conference on Environment and Development, held at Rio de Janeiro from 3 to 14 June 1992, was the forum in which two important new conventions were opened for signature: the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity. The first Convention was negotiated by the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change, which worked independently of the Conference, and concluded its work on the Convention in May 1992. The second Convention, as mentioned in the preceding paragraph, was negotiated by UNEP, which also worked independently of the Conference, and concluded the text of the Convention in May 1992. While the United Nations Conference on Environment and Development was therefore not the forum in which the actual negotiations of the two instruments took place, its work as a whole provided opportunities for exchange of views on the developments relating to the negotiations of these instruments. It had also been agreed that the two Conventions should be completed in time for submission to the Rio Conference as part of the programme of the Conference. Two other important instruments were adopted at Rio as a result of the work of the Conference itself, namely, the Rio Declaration on Environment and Development and the non-legally binding authoritative statement of principles for a global consensus on the management, conservation and sustainable development of all types of forests. Under chapters 38 and 39 of "Agenda 21" (the Conference programme of action for the twenty-first century and beyond), several suggestions concerning legal and institutional aspects of international environmental law were adopted by the Conference and are expected to provide the basis for future actions, objectives to be achieved and activities to be carried out in the field of environment and development. "Agenda 21" also specifically calls for the convening of treaty-making conferences on certain areas. Thus under chapter 12, the Conference requested the General Assembly at its forty-seventh session to establish an intergovernmental negotiating committee for the elaboration of an international convention to control desertification and to complete the work by June 1994. Under chapter 17, States are encouraged to convene, as soon as possible, an intergovernmental conference, under the auspices of the United Nations, to promote effective implementation of the provisions of the United Nations Convention on the Law of the Sea on straddling fish stocks and highly migratory fish stock. The report of the Secretary-General of the United Nations Conference on Environment and Development containing "Agenda 21" and its recommendations will be submitted to the forty-seventh session of the General Assembly for final action.

## H. The law of the sea

143. Following the registration in 1987 of the first group of pioneer investors (the Government of India and the entities of France, Japan and the Soviet Union), the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea in 1991 registered two additional entities as pioneer investors: one was the China Ocean Mineral Resources Research and Development Association, whose

application was submitted by China, and the other was the Interoceanmetal Joint Organization, whose application was submitted jointly by Bulgaria, Cuba, Czechoslovakia, Poland and the Soviet Union (later succeeded by the Russian Federation). Taking into account the fact that the United Nations Convention on the Law of the Sea, having received 51 ratifications or accessions, may enter into force in a relatively short period of time, the Commission has commenced the preparation of its final report, which would eventually be submitted to the Assembly of the International Seabed Authority.

144. In view of a number of important political and economic changes that had taken place in the 10 years that had elapsed since the adoption of the Convention on the Law of the Sea, some directly affecting the deep seabed mining provisions of the 1982 Convention on the Law of the Sea, others affecting international relations in general, the Secretary-General took the initiative of convening informal consultations aimed at achieving universal participation in the Convention. Those consultations, which started in 1990, were continued in 1991, in the course of which nine issues relating to the regime for deep seabed mining as contained in the Convention were identified as problem areas for some States: costs to States parties; the Enterprise; transfer of technology; production limitation; compensation fund; financial terms of contracts; decision-making; environmental considerations; and the review conference.

145. During 1992, the Secretary-General, assisted by the Legal Counsel of the United Nations, convened two further sessions of informal consultations to address those issues. The Secretary-General intends to continue his initiative and convene further sessions of the informal consultations.

## I. The work of the International Law Commission

### Current activities of the Commission

146. At its forty-fourth session, the International Law Commission focused its attention on three topics. In the framework of the topic "Draft Code of Crimes against the Peace and Security of Mankind", the Commission continued its consideration of the question of an international criminal jurisdiction, in accordance with the invitation addressed to it by the General Assembly in resolutions 45/41 and 46/54. Under the structure that emerged from the work of the Commission at its forty-fourth session, the jurisdiction of the envisaged international criminal court would be limited to crimes of an international character defined in specific treaties, including crimes defined in the Code of Crimes against the Peace and Security of Mankind. The court would be a facility that could be called into operation when and as soon as required, and a State could become a party to its statute without thereby becoming a party to the Code. The Commission requested a clear indication by Governments whether it should now embark on the elaboration of a draft statute and, if so, whether it should proceed on the above basis. As regards the second topic dealt with by the Commission at its forty-fourth session, namely, state responsibility, the work carried out on the substantive consequences of

an international delict (cessation, reparation and assurances and guarantees of non-repetition) has reached a very advanced stage. As for the instrumental consequences of an international delict, that is, the legal regime of the measures that an injured State may take against a State having committed an internationally wrongful act, the Commission held an extensive debate, which concluded with the referral to the Drafting Committee of the relevant draft articles proposed by the Special Rapporteur. With respect to the third topic, "International liability for injurious consequences arising out of acts not prohibited by international law", the Commission requested that in his next report the Special Rapporteur should examine the issues of prevention only in respect of activities involving a risk of causing transboundary harm. During its latest session, the Commission gave careful consideration to the question of its long-term programme of work and established a procedure for the identification of topics that could be recommended to the General Assembly for inclusion in its long-term programme of work. Efforts in this area will be pursued next year.

Contribution of the Commission to the Decade of International Law

147. The Commission intends to complete during the current term of office of its members, that is, well before the end of the Decade, final draft articles on the topics "The law of the non-navigational uses of international watercourses" and "Draft Code of Crimes against the Peace and Security of Mankind". It also intends to conclude, during the same period, the first reading of the draft articles on state responsibility, the final approval of which, at a later stage, will represent, in the Commission's view, a major contribution to the Decade of International Law. The Commission furthermore accepted in principle a suggestion to prepare a publication containing a series of articles contributed by members of the Commission, which would aim at presenting an overview of the main problems of international law on the eve of the twenty-first century. A final decision on the project will be taken in the near future, in the light of the preparatory work which is currently under way. The Commission will consider other suggestions that have been made or may be made for other possible contributions of the Commission to the Decade, including the holding of symposia or seminars and the possibility of a conference on international law.

## J. The work of the Sixth Committee

148. At the forty-sixth session of the General Assembly, the Sixth Committee had before it the following agenda items, which enabled it to continue playing its important role in the progressive development of international law and its codification: United Nations programme of assistance in the teaching, study, dissemination and wider appreciation of international law; measures to prevent international terrorism; progressive development of the principles and norms of international law relating to the new international economic order; report of the International Law Commission on the work of its forty-third session; report of the United Nations Commission on International Trade Law on the work of its twenty-fourth session; consideration of the draft articles on the

status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and of the draft optional protocols thereto; report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization; report of the Committee on Relations with the Host Country; additional protocol on consular functions to the Vienna Convention on Consular Relations; consideration of the draft articles on most-favoured-nation clauses; development and strengthening of good-neighbourliness between States; exploitation of the environment as a weapon in times of armed conflict and the taking of practical measures to prevent such exploitation; report of the Committee on Relations with the Host Country; and the United Nations Decade of International Law.

149. With respect to the item on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, the General Assembly, upon the recommendation of the Sixth Committee, adopted resolution 46/50 of 9 December 1991 in which it, inter alia, requested the Secretary-General to implement the programme during 1992 and 1993, and welcomed the joint efforts of the Secretariat and the International Court of Justice to publish in one single volume in all official languages of the Organization, and within the existing overall level of appropriations, the summaries of judgements and advisory opinions of the International Court of Justice (1949-1990) (see para. 112 above).

150. As to the item on international terrorism, the General Assembly, upon the recommendation of the Sixth Committee, adopted a consensus resolution 46/51 of 9 December 1991 in which it, inter alia, once again unequivocally condemned, as criminal and unjustifiable, all acts, methods and practices of terrorism wherever and by whomever committed, including those which jeopardize the friendly relations among States and their security; and called upon States to take certain specific measures in the fulfilment of the obligations under international law towards speedy and final elimination of international terrorism.

151. With respect to the item on progressive development of the principles and norms of international law relating to the new international economic order, the General Assembly, upon the recommendation of the Sixth Committee, adopted resolution 46/52 of 9 December 1991, which, inter alia, recognized the close link between the establishment of a just and equitable international economic order and the existence of an appropriate legal framework; urged the consideration of the impact on developing countries of the current international economic situation; and called for the establishment of a working group in the Sixth Committee to develop the principles and norms of international law relating to the new international economic order.

152. With respect to the item on the report of the International Law Commission on the work of its forty-third session, the General Assembly, upon the recommendation of the Sixth Committee, adopted resolution 46/54 of 9 December 1991 in which the Assembly, inter alia, expressed its appreciation to the Commission for the work accomplished at the session, in particular for the completion of the final draft articles on jurisdictional immunities of

States and their property and the provisional draft articles on the law of the non-navigational uses of international watercourses and a draft Code of Crimes against the Peace and Security of Mankind; and recognized the importance of referring legal and drafting questions to the Sixth Committee, including topics that might be submitted to the International Law Commission, and of enabling the Sixth Committee and the Commission further to enhance their contribution to the progressive development of international law and its codification.

153. As to the item on consideration of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and of the draft optional protocols thereto, the Sixth Committee continued to hold informal consultations on whether the General Assembly should convene an international conference of plenipotentiaries for the purposes of concluding a multilateral convention on the basis of the draft articles by the International Law Commission on the topic. Upon the recommendation of the Sixth Committee, the General Assembly adopted resolution 46/57 of 9 December 1991 calling for the continuation of the informal consultations during the forty-seventh session.

154. With respect to the item on jurisdictional immunities of States and their property, the General Assembly, upon the recommendation of the Sixth Committee, adopted resolution 46/55 of 9 December 1991 in which the General Assembly, inter alia, noting the recommendation of the International Law Commission that the Assembly should convene an international conference of plenipotentiaries to examine the draft articles prepared by the Commission and to conclude a convention on the subject, decided to establish at the forty-seventh session an open-ended working group of the Sixth Committee to examine, in the light of the written comments of Governments, as well as views expressed in debates at the forty-sixth session of the General Assembly: (a) issues of substance arising out of the draft articles, in order to facilitate a successful conclusion of a convention through the promotion of general agreement; and (b) the question of the convening of an international conference, to be held in 1994 or subsequently, to conclude a convention on jurisdictional immunities of States and their property.

155. With respect to the item on the report of the United Nations Commission on International Trade Law on the work of its twenty-fourth session, the General Assembly, upon the recommendation of the Sixth Committee, adopted resolution 46/56 of 9 December 1991 in which the Assembly, inter alia, expressed its appreciation to the Commission for organizing the symposium on international trade law in 1991, and commended it on its decision to organize a Congress on International Trade Law as part of its programme of activities for the United Nations Decade of International Law.

156. With respect to the item on the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, the Sixth Committee recorded two major achievements: the completion of the work on the Declaration on Fact-Finding by the United Nations in the Field of the Maintenance of International Peace and Security,

which had been elaborated in the Special Committee on the Charter of the United Nations and the Strengthening of the Role of the Organization, and the completion of the Handbook on the Peaceful Settlement of Disputes between States, prepared by the Secretary-General also in the context of the work of the Special Committee. Upon the recommendation of the Sixth Committee, the General Assembly, in its resolution 46/58 of 9 December 1991 expressed appreciation to the Secretary-General for completing the work on the Handbook and requested him to publish and disseminate widely the Handbook in all the official languages of the United Nations. 4/

157. As to the item on additional protocol on consular functions to the Vienna Convention on Consular Relations, the General Assembly, upon the recommendation of the Sixth Committee, adopted resolution 46/61 of 9 December 1991, in which the Assembly decided to hold information consultations during its forty-seventh session to examine the proposals on the item; invited Member States and other States parties to the Convention to submit their views on the question to the Secretary-General; and requested the Secretary-General to submit to the General Assembly at its forty-seventh session a further report containing the replies received.

158. With respect to the item on consideration of the draft articles on most-favoured-nation clauses, the General Assembly, upon the recommendation of the Sixth Committee, adopted decision 46/416, in which, having noted with appreciation the valuable work done by the International Law Commission on the most-favoured-clauses, it decided to bring the draft articles elaborated by the Commission to the attention of Member States and of interested intergovernmental organizations for their consideration and to the extent as they deem appropriate, thus bringing to an end the work on the topic.

159. As to the item on development and strengthening of good-neighbourliness between States, the General Assembly, upon the recommendation of the Sixth Committee, adopted resolution 46/62 of 9 December 1991, in which it, inter alia, reaffirmed that, by acting as good neighbours, States can help to ensure that the ends for which the United Nations was established are achieved, and called upon all States to keep in mind the need to act as good neighbours both in their dealings with other States and when taking decisions that could affect them as neighbours, whether or not they are contiguous. By this resolution, the General Assembly brought to an end the work on this item.

160. With respect to the item on exploitation of the environment as a weapon in times of armed conflict and the taking of practical measures to prevent such exploitation, the Sixth Committee recommended to the General Assembly a draft decision in which it took note that the protection of the environment in times of armed conflict (the title later adopted by the Sixth Committee for the item) was to be addressed at the Twenty-sixth International Conference of the Red Cross and Red Crescent in November 1991. Having been informed of the subsequent postponement of the Conference, the General Assembly adopted decision 46/417 in which it decided to request the Secretary-General to report to the General Assembly at its forty-seventh session on activities of the International Committee of the Red Cross relating to the question.

161. As to the item on the report of the Committee on Relations with the Host Country, the General Assembly, upon the recommendation of the Sixth Committee, adopted resolution 46/60 of 9 December 1991 in which the Assembly, inter alia, expressed its appreciation for the efforts made by the host country in maintaining appropriate conditions for the delegations and the missions accredited to the United Nations and urged the host country to continue to bear in mind its obligations to facilitate the functioning of the United Nations and the missions accredited to it.

162. At the forty-seventh session of the General Assembly, the Sixth Committee is expected to have the following items on its agenda: "Observer status of national liberation movements recognized by the Organization of African Unity and/or by the League of Arab States"; "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protectin of victims of armed conflicts"; "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives"; "United Nations Decade of International Law"; "Report of the International Law Commission on the work of its forty-fourth session"; "Convention on jurisdictional immunities of States and their property"; "Report of the United Nations Commission on International Trade Law on the work of its twenty-fifth session"; "Consideration of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and of the draft optional protocols thereto"; "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization"; "Report of the Committee on Relations with the Host Country"; "Additional protocol on consular functions to the Vienna Convention on Consular Relations"; and "Protection of the environment in times of armed conflict".

Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

163. At its 1992 session, the Special Committee continued its work on the basis of its mandate contained in paragraph 4 of resolution 46/58 of the General Assembly. Accordingly, the Special Committee, as described in its report to the present session of the General Assembly, 5/ discussed the question of the maintenance of international peace and security under which it, inter alia, considered a draft declaration on the improvement of cooperation between the United Nations and regional organizations, and a working paper on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter. Under its mandate concerning the question of peaceful settlement of disputes between States, the Special Committee discussed a draft of United Nations rules for the conciliation of disputes between States.

## Notes

1/ See, in this connection, the Handbook on Peaceful Settlement of Disputes between States mentioned in paragraph 156 below and the related footnote.

2/ For details, see the report of the United Nations Conference on International Trade Law on the work of its twenty-fifth session in Official Records of the General Assembly, Forty-seventh Session, Supplement No. 17 (A/47/17).

3/ For the report of the Commission on its forty-eighth session, see Official Records of the Economic and Social Council, Supplement No. 2 (E/1992/22; E/CN.4/1992/84). For the report of the Subcommission on its forty-third session, see E/CN.4/1992/2.

4/ For the text of the Handbook, see Official Records of the General Assembly, Forty-sixth Session, Supplement No. 33 and corrigendum (A/46/33 and Corr.1). The printed version of the Handbook in English is expected to come out before the end of 1992. The versions in the remaining official languages of the United Nations are expected to be published in early 1993.

5/ Official Records of the General Assembly, Forty-seventh Session, Supplement No. 33 (A/47/33).

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